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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,088	07/30/2001	Steven B. Dawes	SP01-212	2056

7590 09/29/2003

Price, Heneveld, Cooper, DeWitt & Litton
695 Kenmoor S.E.
Post Office Box 2567
Grand Rapids, MI 49501

EXAMINER

CHIN, PETER

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/918,088	Applicant(s) DAWES ET AL.	
	Examiner Peter Chin	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) <u>7/13/01</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11/15/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The use of a doped silica soot preform, an at least partially sintered "moat" or barrier layer that prevents the fluorine from diffusing or migrating from the second portion containing fluorine dopant when it is applied onto the first portion and subsequent stripping of the fluorine from the second region are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

2. Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent claims are incomplete since the surface layer of the first portion must be sufficiently sintered to prevent migration of the fluorine dopant contained in the second portion from diffusing or migrating into the first portion when it is applied onto the first region and subsequent stripping of the fluorine dopant from the second portion. The preform that is used is a doped silica soot perform.

3. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabby (6,474,107) in view of Kanamori et al (5,556,442) and Andrejco et al (4,812,153).

Dabby discloses a process for making optical fiber preform in which a silica soot preform is sintered in the presence of F, which acts to dope the silica during the sintering step. The preform is then elongated, fire polished, and a soot cladding is

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deposited thereon, dried and sintered. It is obvious that the fire polishing increases the density and serves as a barrier to prevent dopant migration or diffusion, if evidence is necessary see Kanamori et al. Obviously, one would reasonably expect some fluorine dopant to be stripped from the soot cladding, which reads on the claimed second portion. In any case, Andrejco et al teaches that the application of heat will strip the dopant from the porous doped soot layer. The claims 1-24 do not have a limit as to the amount of dopant leached from the second portion and the depth to which the dopant is stripped from the preform, and thus, the present claims are not patentable over prior art. The dependent claims are obvious use of well known heat sources and drying agents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.



Peter Chin
Primary Examiner
Art Unit 1731
